



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 12 2019

REPLY TO THE ATTENTION OF

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Niagara LaSalle Corporation
c/o Mr. Joel Hawthorne, CEO
C T Corporation System, Registered Agent
150 West Market Street, Suite 8000
Indianapolis, Indiana 46204

Re: Niagara LaSalle Corp Site
1412 150th Street, Hammond, Lake County, Indiana
Site/Spill Identifier (SSID): C5GQ
General Notice of Potential Liability
Residential Area

Dear Mr. Hawthorne:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants, and contaminants into the environment from the Niagara LaSalle Corp Site (the Site), and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning, and enforcement costs.

The purpose of this removal action is to mitigate the imminent and substantial threats posed to public health or welfare or the environment posed by elevated levels of lead in soils at residential properties near the Niagara LaSalle facility. The Residential Area of the Site (Residential Area) is bounded by Hoffman Street to the north, Walnut Avenue to the east, 150th Street and the facility to the south, and Magnolia Avenue to the west. Removal activities at the Residential

Area shall include identification of additional residential properties that will require cleanup actions, the removal and disposal of lead-contaminated soils from these properties, and the restoration of excavated areas.

EPA is currently planning to conduct the following actions at the Residential Area:

1. Develop and implement a site-specific Health and Safety Plan, a site-specific Air Monitoring Plan; a site-specific Sampling Plan, a site-specific Work Plan, and a Quality Assurance Plan;
2. Sample any additional residential property which grants access for sampling;
3. Excavate soils at those residential properties containing lead over 400 ppm; common areas will be excavated to a maximum depth of 24 inches below ground surface, and play areas and gardens will be excavated to a depth of 24 inches below ground surface;
4. Collect soil samples for disposal analysis. Soil samples for disposal analysis will be tested using Toxicity Characteristic Leaching Procedure. Soil that exceeds the criteria in 40 C.F.R. § 261.24 for toxicity will be treated prior to disposal;
5. Dispose of the contaminated materials at an EPA-approved disposal facility in accordance with the EPA Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (September 22, 1993);
6. Decontaminate heavy equipment as necessary, and appropriately collect and dispose of decontamination water;
7. Perform personal and perimeter air monitoring during remediation activities;
8. Implement dust control measures during the remediation activities;
9. Collect post excavation samples; if lead levels below 400 mg/kg cannot be achieved at an excavation depth 24 inches below ground surface for common areas or for play areas and gardens, excavation will cease, and a visible barrier will be placed at the bottom of the excavation to alert the property owner of the existence of high levels of lead;
10. Create a data-base to manage collected data; and
11. Backfill excavated areas with clean soil and restore the properties to original pre-removal conditions to the extent practicable. Clean soil material will be sampled and analyzed to ensure that lead concentrations and all other hazardous substances, pollutants, or contaminants concentrations are below EPA residential Removal Management Levels.

EPA has received information that Niagara LaSalle may have owned or operated the Residential Area, or generated or transported hazardous substances that were disposed of at the Residential Area. By this letter EPA notifies Niagara LaSalle of its potential liability with regard to this matter and encourages Niagara LaSalle, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Residential Area. EPA is willing to discuss with Niagara LaSalle the entry of an appropriate administrative consent order under which it would perform or finance response activities and reimburse EPA for its costs. You are receiving this letter on behalf of Niagara LaSalle as its Chief Executive Officer.

If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring Niagara LaSalle to perform specified work. Under Sections 106 and 107 of CERCLA, Niagara LaSalle may be liable for reimbursement of EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, EPA believes that response activities at the Residential Area must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, Niagara LaSalle should notify EPA in writing within fifteen (15) business days of receipt of this letter of its willingness to perform or finance the activities described above and to reimburse EPA for its costs. The response should be sent to:

Debbie Keating, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund & Emergency Management Division
Enforcement Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If EPA does not receive a timely response, EPA will assume that Niagara LaSalle does not wish to negotiate a resolution of its potential responsibility in connection with the Residential Area and that it has declined any involvement in performing the response activities.

The response should indicate the appropriate name, address and telephone number for further contact with Niagara LaSalle. If Niagara LaSalle is already involved in discussions with state or local authorities, engaged in a voluntary cleanup action, or involved in a lawsuit regarding this Site, it should continue such activities as it sees fit. This letter is not intended to advise Niagara LaSalle or direct it to restrict or discontinue any such activities already underway; however, Niagara LaSalle is advised to report the status of those discussions or actions in its response to this letter and provide a copy of the response to any other parties involved in those discussions or actions.

If further information is needed regarding this letter, please contact Nola Hicks, Associate Regional Counsel, Office of Regional Counsel, at (312) 886-7949 or at hicks.nola@epa.gov.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you, on behalf of Niagara LaSalle, to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Borries". The signature is fluid and cursive, with the first name "Samuel" being more prominent than the last name "Borries".

Samuel Borries, Chief
Emergency Response Branch 2

cc: Thad S. Florence, Esq.
General Counsel, Optima Specialty Steel, Inc.

Michael Mostow, Esq.
Quarles & Brady LLP

bcc: Nola Hicks, ORC (C-14J)
Sonia Vega, ERB 2 (SE-5J)
Debbie Keating, ESS (SE-5J)
Carolyn Bohlen, ESS (SE-5J)
Gerri Pete, ESS (SE-5J)
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Sarah Clark, ECAD, AECAB, AECAS (ECA-18J)
Peter Ramanauskas, LCRD, RB, CAS1 (LR-17J)
Steve Mendoza, ORC (C-14J)

Mr. Lindy Nelson
U.S. Department of the Interior
Office of Environmental Policy and Compliance
U.S. Custom House, Room 244
Philadelphia Region
200 Chestnut Street
Philadelphia, Pennsylvania 19106

cc: Thad S. Florence, General Counsel
Optima Specialty Steel, Inc.
200 South Biscayne Bay, 55th Floor
Miami, Florida 33131

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